

House File 217 - Introduced

HOUSE FILE 217

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A BILL FOR

1 An Act concerning review of disapproval of applications for
2 retail alcohol licenses by local authorities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.32, subsection 6, paragraph a, Code
2 2023, is amended to read as follows:

3 a. Upon receipt of an application having been disapproved
4 by the local authority, the administrator shall notify the
5 applicant that the applicant may appeal the disapproval of the
6 application to the ~~administrator~~ district court as provided in
7 this section. The applicant shall be notified by certified
8 mail or personal service, and the application, the fee, and any
9 bond shall be returned to the applicant.

10 Sec. 2. Section 123.32, subsection 7, Code 2023, is amended
11 by striking the subsection.

12 Sec. 3. Section 123.32, subsection 8, Code 2023, is amended
13 to read as follows:

14 8. *Judicial review.*

15 a. The applicant or the local authority may seek judicial
16 review of the action of the administrator in accordance with
17 the terms of the Iowa administrative procedure Act, chapter
18 17A. Notwithstanding the terms of the Iowa administrative
19 procedure Act, [chapter 17A](#), petitions for judicial review may
20 be filed in the district court of the county where the premises
21 covered by the application are situated.

22 b. The applicant may file an action in the district court
23 of the county where the premises covered by the application is
24 situated to seek judicial review of the action of the local
25 authority in disapproving an application.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill eliminates the ability of an applicant for a
30 retail alcohol license, wine permit, or beer permit to appeal
31 the denial of the license by the applicable local authority to
32 the administrator of the alcoholic beverages division of the
33 department of commerce. Instead, the bill provides that an
34 applicant may seek judicial review of the denial of the license
35 by filing an action in the district court of the county where

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1 the premises covered by the application is located.